UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,572	02/21/2007	Ulf Lindgren	P15379-US2	7994

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER
MILLIKIN, ANDREW R

ART UNIT	PAPER NUMBER
2837	

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03/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/596,572	LINDGREN ET AL.
Office Action Summary	Examiner	Art Unit	
	ANDREW R. MILLIKIN	2837	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 March 2007</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-28</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>16 June 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☒ All b)☐ Some * c)☐ None of:
    1.☒ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>061606; 091106</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 16 June 2006 fails to comply with 37

CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document;

each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. It has been placed in the

application file, but the information referred to therein for which a copy was not provided

has not been considered (i.e., "Standard Midi Files" SONIC SPOT, 2 Feb 2002). It is

noted, however, that the same document, albeit from a different date, is cited and

included herein.

Claim Objections

2.   Claim 14 is objected to because of the following informalities: "any" appears to

have been accidentally left in the claim ("according to any claim 1"). For the purposes of

examination, the word "any" will be ignored. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-7, 11-21, & 25-28 are rejected under 35 U.S.C. 102(b) as being

anticipated by FAITH, INC. (EP 1 172 796 A, hereafter '796).

5.   Claims 1 & 28:   '796 teaches a method of rendering a multimedia signal

(abstract), multimedia signal comprising events [0025] of a first type arranged to

carry content in the form of instructions to a rendering unit and an event of a second

type arranged to carry additional content, wherein said additional content comprises an

address ("message," col. 14, lines 30 & 32) identifying an encoded sample of

multimedia content [0029, 0075, 0148] (Figs. 32 & 34), wherein the method comprises

the following steps: generating a multimedia output in response to the events of the first

type (abstract); parsing the multimedia signal to identify said event of the second type

and to read the additional content (Fig. 9) [0060-0064]; loading the encoded sample of

multimedia content identified by said address (col. 14, lines 33-35; Fig. 32) [0053,

0149]; decoding the encoded sample to provide a decoded sample for playback of the

multimedia content (Fig. 23b) [0053, 0108]; and superimposing the decoded sample on

the generated multimedia output in accordance with timing information associated with

the event of the second type (Fig 1) [0053, 0056].

6.   Claim 15:   '796 teaches a unit for rendering a multimedia signal (abstract, title), the multimedia signal comprising events [0025] of a first type which are arranged to carry content in the form of instructions to the unit, and an event of a second type arranged to carry additional content, wherein said additional content comprises an address ("message," col. 14, lines 30 & 32) identifying an encoded sample of multimedia content [0029, 0075], wherein the unit comprises: a playback unit adapted to generate a multimedia output in response to the events of the first type (Fig. 1, part (11)); a parser arranged to identify the event of the second type and to read the additional content (Fig. 9); an interface arranged to load the encoded sample of multimedia content identified by said address [0075], and to cause a decoder to decode the decoded sample for subsequent playback of the multimedia content [0053, 0108] (Fig. 23b); and a synchronizing unit adapted to synchronize playback of the decoded sample with the generation of the multimedia output [0057].

7.   Claims 2 & 17:   '796 teaches the method according to claim 1, wherein the timing information comprises a delta time value defining a time relative to a reference time [0050].

8.   Claims 3 & 18:   '796 teaches the method according to claim 1, wherein the event of the second type includes a textual information of one or more predetermined commands, the one or more commands identifying an encoded sample [0075].

9.   Claim 4:   '796 teaches the method according to claim 1, wherein the step of superimposing includes synchronizing the decoded sample with the multimedia output based on the timing information [0057].

10.   Claims 5 & 19:   '796 teaches the method according to claim 1, wherein the multimedia signal and the encoded sample are included in a container data item (Fig. 8) [0049].

11.   Claims 6 & 20:   '796 teaches the method according to claim 1, wherein the event of the second type comprises a System Exclusives event as defined in the specification of the Musical Instrument Digital Interface (MIDI) (Fig. 7).

12.   Claims 7 & 21:   '796 teaches the method according to claim 1, wherein the event of the second type comprises a Meta-event as defined in the specification of the Musical Instrument Digital Interface (MIDI) (Fig. 5).

13.   Claims 11 & 25:   '796 teaches the method according to claim 1, wherein the address indicates a position in a first file associated with the multimedia signal [0080-0083] (Figs. 13-16).

14.   Claims 12 & 26:   '796 teaches the method according to claim 11, wherein the multimedia signal is stored in a second file [0038-0039, 0148] (Figs. 1, 32, & 34).

15.   Claims 13 & 27:   '796 teaches the method according to claim 1, wherein the additional content comprises an indication of a type of coding scheme used for encoding the encoded samples [0046] (Figs. 5 & 7).

16.   Claims 14 & 16:   '796 teaches the method according to claim 1, wherein the multimedia signal complies with the general Musical Instrument Digital Interface (MIDI) specification (abstract).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

19.   Claims 8-10 & 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over '796, as applied to claim 7 above, in view of "Standard MIDI Files" from The Sonic

Spot (hereafter "SonicSpot").

20.   Claims 8-10 & 22-24:   '796 teaches the method according to claim 7, but

does not explicitly teach that the event of the second type comprises a Meta-event of

the types: "cue-points," identified by the hexadecimal value FF 07; "lyric," identified by

the hexadecimal value FF 05; or "text," identified by the hexadecimal value FF 01.

However, SonicSpot teaches that these are standardized Meta-event types and values

(see pages 7-8). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to have used the claimed Meta-event types, and to have

identified them by the specified hexadecimal values, since they were known,

standardized Meta-event types and values.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW R. MILLIKIN whose telephone number is (571)270-1265. The examiner can normally be reached on M-R 7:30-5 and 7:30-4 Alternating Fridays (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew R. Millikin/
Examiner, Art Unit 2837

/Jeffrey Donels/
Primary Examiner, Art Unit 2837